



June 14, 2019

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VIA ECF

Hon. Nelson S. Román
United States District Court
300 Quarropas Street
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Re: *Congregation of Ridnik, et. al. v. Village of Airmont, et. al.,*
Case No. 18-cv-11533 (S.D.N.Y. Dec. 10, 2018)

Your Honor,

On behalf of the Plaintiffs, we write in response to the Defendants' letter submitted earlier today requesting a 30-day extension to the deadline to serve their Motion to Dismiss. As noted in that request, we oppose, and for the reasons set forth below, request that the Court deny the request for an additional 30 days and instead extend their deadline, and the remaining deadlines, by 10 days.

Defendants' 30-day extension request is unreasonably lengthy under the circumstances and devoid of any support or reason that would justify further delay in this case. The Original Complaint was filed more than six months ago on December 12, 2018. At Defendants' request, Plaintiffs agreed to a lengthy extension of the deadline to answer or move to dismiss. In accordance with that extension, Defendants submitted their pre-motion letter on March 18, three months ago. At that point, Defendants knew the bases upon which they would move to dismiss; and based on the contents of the letter, Defendants had already thoroughly researched the issues.

We then filed the First Amended Complaint on May 6 in accordance with the agreed schedule ordered by the Court. Notably, the First Amended Complaint dropped a significant number of Defendants and removed two causes of action, without adding any others. As such, Defendants have *less* to respond to than they did three months ago when they submitted their pre-motion letter and were presumably ready to prepare their motion to dismiss.

Defendants list three reasons for their eleventh-hour extension request: (1) the "complexity of this case"; (2) Defendants counsel's brief in the Second Circuit and "other matters"; and (3) the upcoming Independence Day holiday (nearly three weeks away). None justify another month of delay in this case. As noted above, the "complexity of this case" has been known to Defendants for six months, and they were fully prepared to brief all issues three months ago. The case has only become less complex since then with the filing of the First Amended Complaint.



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Meanwhile, Plaintiffs are deprived of their First Amendment right to the free exercise of their religious beliefs. The ongoing delay has resulted in the loss of members from the congregation of at least one Plaintiff due to lack of adequate space to meet (which, of course, includes the loss of financial support necessary to sustain the congregation). Time is increasingly of the essence, and Plaintiffs' mounting issues should not incur further delay.

Plaintiffs submit that a 10-day extension is reasonable and appropriate under the circumstances.

Respectfully yours,

Stephen C. Dillard

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